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CLEARINGHOUSE RULE 01-039

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

It appears from the analysis to the rule that the overriding goal of the rule-making order is to ensure that a claimant is not considered to be able to work or be available for work, or entitled to any grace period, if the claimant is limited to 0% of the opportunities for suitable work. While this goal is achieved in the amendment to s. DWD 128.02 (1) (a), the inclusion of similar language in s. DWD 128.01 (2) (b) is questionable. As amended, the latter provision states that a claimant is not considered to be able to work or be available for work in any given week if circumstances over which the claimant has no control limit the claimant to less than 15% but more than 0% of the opportunities for suitable work. Thus, as amended, the provision could be interpreted to mean that a claimant who is available for 0% of the opportunities for suitable work will be considered to be able to work or be available for work in any given week. This may be an absurd result, but it can be avoided by not amending s. DWD 128.01 (2) (b) at all.